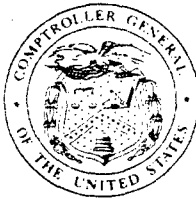


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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-202595 DATE: April 28, 1981
Columbus Services, Inc. *DLCA 6969*
MATTER OF:

DIGEST:

[Protest against alleged improprieties in IFB]
in invitation, apparent prior to bid
opening, is untimely and not for con-
sideration on merits since filed after
bid opening.

Columbus Services, Inc. (Columbus), protests
an award to any firm but itself in view of the failure
of the General Services Administration (GSA) to clarify *AGC000*
certain matters relating to invitation for bids
No. GS-03-81-B-0037. It is contended that this failure
had a material impact on the pricing of the Columbus
bid.

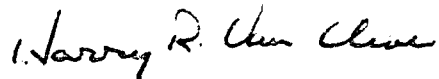
We are advised by the GSA that after the issuance
of the invitation and of a later amendment to the
invitation Columbus requested that the invitation and
the amendment be clarified in certain respects. The
clarifications requested by Columbus, except as regarded
matters that the GSA did not feel needed clarifying,
were provided by means of an amendment to the invita-
tion. This amendment, wherein the bid opening date
was also extended to March 16, was dated March 3 and
was sent to prospective bidders by Federal Express.

Bids were opened on Monday, March 16. Columbus
attended the bid opening and raised no objections at
that time to the invitation, the invitation amendments,
or the opening. Not until Friday, March 20, did Columbus
by a letter of that date protest the GSA failure to pro-
vide all the requested clarifications. The GSA further
notes that while the amendment should have been received
even earlier since it was sent by Federal Express,
Columbus dated (and thus had in its possession) the
March 3 amendment on March 12--2 working (4 calendar)
days prior to bid opening.

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It is provided in our Bid Protest Procedures, at 4 C.F.R. § 20.2(b)(1) (1980), that protests based upon alleged improprieties in an invitation, which are apparent prior to bid opening, must be filed prior to bid opening in order to be timely and for consideration on the merits. In this instance, Columbus knew at least by March 12 that its request for clarifications had not been complied with completely. Columbus should have realized at that time that the GSA did not intend to make further clarifications. Notwithstanding, Columbus did nothing until after bid opening and the disclosure of the bid prices. Since the Columbus protest was not filed until after bid opening, the protest was filed untimely and will not be considered on the merits by our Office.

Accordingly, the protest is dismissed.



Harry R. Van Cleve
Acting General Counsel